

REMARKS

The above-captioned application has been carefully reviewed in light of the final Office Action to which this Amendment is responsive. Claims 21, 26, and 36 have been amended in an effort to further clarify and distinctly point out that which is regarded as the present invention. Claim 42 has been added and the specification has been amended at paragraph [0020] to clarify the description. To that end, it is believed no new matter has been added.

Claims 21-41 are pending. All pending claims have been rejected in light of certain prior art. More particularly, Claims 21-25 and 27-35 have been rejected under 35 U.S.C. §103(a) based on previously cited Geier et al. (U.S. Patent No. 5,630,530) and Strassmann (U.S. Patent No. 6,127,009) and Claims 26 and 36-41 have been rejected under 35 U.S.C. §103(a) based on the combination of Geier et al., Strassmann and newly cited Jacobsen et al. (U.S. Patent No. 4,482,170). Claim 26 has also been rejected under 35 U.S.C. §112, second paragraph. The Examiner has also objected to the disclosure. Applicant respectfully requests reconsideration based upon the amended and new claims and specification, as well as the following discussion.

As to the cited prior art and as noted in Applicant's previous correspondence, Geier et al. uses a crimping solution in order to fix a bag onto a valve. As described in col. 5, lines 14-16 of this primary reference, a sleeve 36 is push-fitted onto a cylindrical collar or cap 38 and when pushed fully in place, the sleeve is seated or held in position by means of a circumferential rim 37 (see col. 5, lines 10-16) at the free end of the cylindrical collar. It is acknowledged that a seal ring 32 is provided on the cylindrical cap 38. However and according to the teachings of this reference, it is the sleeve 36 that is welded to the bag 24 and NOT the cylindrical cap 38 to the delivery nozzle 58. See col 5, lines 27-30 in which it is noted that the sleeve 36 is made from a material that bonds well to the bag 24 while in contrast, the valve body 14, the discharge nozzle 18 and the delivery nozzle 58 are each made from a material that is both resistant and impermeable to organic media. See col 5, lines 22-26. Therefore and based on this construction, the seal ring 32 is not interposed between a receptacle body and the valve stem as recited in each of the independent Claims 21 and 36 of the present application.

The above-noted approach of Geier et al. is structural apposite that of the present application in which the receptacle body itself is made from a material that is weldable with a

film material of the sack. Therefore, the receptacle body itself is permeable to organic media. The problem of permeability of organic media is also discussed in Geier et al., see col. 1, lines 31-42. To overcome this problem and as noted above, Geier et al. suggests that the delivery nozzle 58 (including the cylindrical cap 38) be made from a material that is not permeable for organic media (see also Geier et al. at col. 2, lines 26-42). In order to position the delivery nozzle 58 in the bag 24, Geier et al. uses the sleeve 36, which is permeable to organic media and push-fits the delivery nozzle 58 into this sleeve. According to the present invention, however, Applicant realized that it is possible to use a receptacle body that is made from a material that is permeable to organic media and weldable to the bag. The inventor further realized that it is sufficient to provide a valve stem as well as a gasket on the permeable receptacle body in order to prevent or reduce the diffusion of organic media through the receptacle body in order to solve the above-stated problem.

Applicant disagrees with the characterization of Geier set forth by the Examiner. That is, Geier et al. fails to describe or suggest a receptacle body that is permeable for organic media that is weldable to the sleeve. Moreover, Geier et al. requires the use of a separate component (sleeve 36) entirely positioned within the bag 24. Disadvantageously, this latter solution significantly complicates manufacturing in that it is necessary to weld the sleeve 36 completely in the bag 24 and snap-fit the delivery nozzle 58 into position on the sleeve 36. Thereafter, the bag 24 must be sealed along the edges 46. The secondary citation of Strassmann fails to provide the necessary features missing from Claim 21. According to Strassmann, a stiff hard part 20 is provided with outer layer 10, which is weldable to the inner layer of a flexible bag. The stiff part 20 is made from a polycarbonate (see col. 5, lines 55-60), which is weldable to an inner layer having a polyethylene copolymer component with a high ethylvinylacetate content. However, the stiff part 20 is not weldable to the bag. As described by Strassmann, the outer layer is made from polyolefin which is weldable to the inner layer material 30, which is also a polyolefin. Such a polyolefin is permeable for organic media.

In direct contrast to this secondary reference, the present invention teaches away from providing an outer layer 10 of polyolefin material by describing a receptacle body made entirely of a material that is permeable to organic media and to seal this receptacle body with a gasket. Jacobsen et al. discloses a gas riser that connects underground natural gas service lines and

defines a gasket for use therewith. It is not understood how this reference provides the needed teachings missing from either Geier et al or Strassmann for purposes of this invention.

Therefore, none of the cited references, taken either alone or in combination, provides the essential recited features of the present invention according to either of amended Claims 21 or 36, as amended. Therefore, a prima facie obviousness rejection cannot be made under the Statute. Claims 22-35 and 37-41 are believed to be allowable for the same reasons as Claims 21 and 36. Reconsideration is therefore respectfully requested.

As to the Section 112 rejection, Claim 26 has been amended to remove the phrase "preferably" and new Claim 42 has been added. It is believed no new matter has been added.

Finally, Applicant has amended paragraph [0020] to correct the informalities noted as to the disclosure with regard to the reference numerals, conforming the specification and the drawings. No new matter has been added.

In summary and in view of the above amendment, Applicant believes the above-captioned application is now in a condition for allowance and an expedited Notice of Allowability is earnestly solicited.

If the Examiner wishes to expedite disposition of the above-captioned patent application, he is invited to contact Applicant's representative at the telephone number listed below.

The fee for the additional claim added by this Amendment will be paid at the time of filing this response. In the event that any additional fees are required, the Director is hereby authorized to charge Deposit Account No. 50-3010 for any additional fees and to charge any overpayments thereto.

Respectfully submitted,

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